

S.D.N.Y.-NYC
09-cv-6865
Eaton, J.

MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 4th day of November, two thousand fourteen.

Present:

John M. Walker, Jr.,
Gerard E. Lynch,
Denny Chin,
Circuit Judges.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: December 2, 2014

Karen Novick,

Plaintiff-Appellee,

v.

13-492

Metropolitan Life Insurance Company,
MetLife Options and Choices Plan No. 512,

Defendants-Appellants.

Appellee moves to dismiss this appeal for lack of appellate jurisdiction. Upon due consideration, it is hereby ORDERED that the motion is GRANTED. The district court's judgment did not "end[] the litigation" and therefore was not a final order as contemplated by 28 U.S.C. § 1291, *see Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978), *Mead v. ReliaStar Life Ins. Co.*, 768 F.3d 102 (2d Cir. 2014), and was not certified under Federal Rule of Civil Procedure 54(b), *see HBE Leasing Corp. v. Frank*, 48 F.3d 623, 631-32 (2d Cir. 1995).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 12/02/2014